

ENNHRI's Key Suggestions for Follow-Up to the Reykjavik Declaration

Input for Implementation Plan under the Latvian Presidency

[ENNHRI](#) is the European Network of National Human Rights Institutions. It gathers all NHRIs across the Council of Europe and represents a network covering currently 40 out of 46 Member States. ENNHRI's membership encompasses over 3000 staff dedicated to promoting and protecting human rights, democracy and rule of law on a daily basis.

This document presents an overview of ENNHRI's key points raised during the stakeholder meeting organised by the Latvian Chairmanship of the CoE on the follow-up to the Reykjavik Declaration. We would like to express our gratitude to the chair of the Committee of Ministers Ambassador Karklins for the opportunity to orally present our suggestions, and to share these also in a written form.

1) Develop More Meaningful CoE engagement with National Human Right Institutions

ENNHRI welcomes the recognition of NHRIs in the Reykjavik Declaration as key counterparts for the Council of Europe to advance the common aims to promote and protect human rights, democracy and rule of law.

In the Declaration, heads of state and governments clarify the historical momentum as follows:

"We set the Council on a new path of increased transparency and co-operation with its stakeholders, with strengthened visibility and sufficient resources. [...] We also call for a review and further reinforcement of the Organisation's outreach to, and meaningful engagement with, civil society organisations and national human rights institutions" (Reykjavik Declaration, p.8).

The Declaration mirrors both the [2019 CM Helsinki Decision](#) and [the CM Recommendation CM/Rec\(2021\)1](#) on the development and strengthening of effective, pluralist and independent National Human Rights Institutions, which also call for ensuring more '*meaningful participation*' of NHRIs and ENNHRI in the Council of Europe.

[ENNHRI's study](#) on the implementation of CM Recommendation 2021/1 on NHRIs confirms the great potential for more meaningful engagement of the Council of Europe with NHRIs, which would advance human rights, democracy and rule of law in our region. While NHRIs report engagement with at least 13 different CoE bodies, the information on when and how to meaningfully engage is overall fragmented and not easily accessible. Moreover, NHRIs report that the CoE processes do not sufficiently reflect the unique nature of NHRIs as independent state authorities, as is in place across United Nations human rights processes. While some specific CoE cooperation programmes benefit NHRIs to some extent, there is no strategic approach apparent of the Council of Europe in support of NHRIs and their regional network, ENNHRI.

It is now time for the Council of Europe to commit resources to explore how and where NHRIs, with their specific state mandate, can provide a real value-add to implementation of the CoE acquis.

ENNHRI thus recommends:

The setting up of a dedicated section at the Council of Europe DG I with a broad role to facilitate meaningful engagement of the Council of Europe with NHRIs, and their regional network, ENNHRI, to foster mutual cooperation and support, and thereby advancing their common goal: the promotion and protection of human rights, democracy and rule of law across the Council of Europe.

More in particular, the section could:

- Facilitate permanent information sharing of the CoE with NHRIs and ENNHRI;
- coordinate meaningful and effective engagement of NHRIs and ENNHRI across the CoE relevant processes;
- identify and suggest how CoE procedures and participation status for NHRIs and ENNHRI at the CoE may be amended to enhance more meaningful cooperation and reflect their independent nature;
- sustain constructive engagement of the Council of Europe with NHRIs and ENNHRI before, during and after Strasbourg procedures for impacts on the ground;
- develop a strategic approach to supporting NHRIs through CoE Cooperation Programmes.

2) Advance the Implementation of ECtHR Judgments, including through greater cooperation and support with National Human Right Institutions

The Reykjavik Declaration reaffirms the central role of the European Court of Human Rights (EctHR) and the necessity to further advance execution of judgments, including through the work of NHRIs as follows:

"We will continue supporting the Court's efficient and timely response to pending applications and redouble our efforts for the full, effective and rapid execution of judgments, including through developing a more co-operative, inclusive and political approach based on dialogue, as laid out in Appendix IV on "Recommitting to the Convention System as the cornerstone of the Council of Europe's protection of human rights".

In the Appendix IV, heads of state and governments:

"Recognise the role of the Council of Europe Commissioner for Human Rights and of national human rights institutions and civil society organisations in monitoring compliance with the Convention and the Court's judgments" (Appendix IV of the Reykjavik Declaration, p.19)

The Council of Europe now needs to act to review processes and ensure further cooperation - including more interactive dialogue- which will significantly advance execution of EctHR judgments. The monitoring role (Rule 9 communications) by NHRIs are only a small snapshot of actions possible to advance implementation of judgments, while the rule 9 process itself could be strengthened to further foster impacts. As shown in [ENNHRI's dedicated resource](#), NHRIs' efforts on EctHR judgment implementation are part of a continuing cycle interconnecting a broad range of actions at national and CoE level, and including engagement with the executive, legislative, civil society and wider public.

In advance of the Reykjavik Summit, ENNHRI has made a range of suggestions to advance execution of judgments, particularly with a view to better capturing the potential of NHRIs ([here](#) and [here](#)). Following the Reykjavik Summit, a dedicated roundtable of all involved actors (including ENNHRI and NHRIs) could help identify the opportunities for more meaningful engagement to advance execution of judgments, including the required adaptations to processes, such as greater transparency and participation at CM, as is a priority for the Latvian Presidency.

ENNHRI thus recommends:

- The CoE to organise and support dedicated consultations at the CoE and national levels including all relevant actors (CoE, state authorities, NHRIs, civil society) to identify opportunities for more full, effective and rapid execution of judgments, including NHRIs.
- The outcomes of these consultations to be presented at a dedicated roundtable, of relevant actors at high-level, where concrete actions could be agreed, including if needed to adapt CoE procedures. The roundtable conclusions would be sent to the CM and CoE Secretary-General for consideration;
- Building on the outcomes of the consultations and roundtable; a CM meeting (with relevant stakeholders) should be organised to discuss review of processes to further capture the potential added value of NHRIs and other stakeholders for the execution of judgments, including enhanced transparency and participation;
- Further dedicated resources to advance national cooperation programmes on execution of judgments, including NHRIs.

3) Ensuring the right to a clean, healthy and sustainable environment for current and future generations

ENNHRI welcomes Member States' commitment in the Reykjavik Declaration to make human rights and the environment a visible priority of the Council of Europe, and to strengthen the work of the Council of Europe in this field:

"We underline the urgency of additional efforts to protect the environment, as well as to counter the impact of the triple planetary crisis of pollution, climate change and loss of biodiversity on human rights, democracy and the rule of law. We therefore commit to strengthening our work on the human rights aspects of the environment and initiate the Reykjavik process of focusing and strengthening the work of the Council of Europe in this field, as laid out in Appendix V on "The Council of Europe and the environment".

ENNHRI and NHRI's role in advancing the right to a healthy environment is showcased by ENNHRI's landmark [Third Party Interventions](#) before the Grand Chamber of the European Court of Human Rights, as well as by ENNHRI's involvement and [representation](#) at CDDH-ENV.

NHRI's vital role is also recognised by Member States in the Reykjavik Declaration, where heads of states and government:

"Recognise and support the vital role of civil society and other stakeholders, including national human rights institutions, regional institutions for the protection and promotion of human rights,

youth, indigenous peoples, religious leaders and communities, as well as cities, regions and other sub-national authorities and local communities, in the protection of the environment" (Reykjavik Declaration, Appendix V, p.21)

To make this commitment a reality, ENNHRI recommends:

- The starting of negotiations on a binding CoE instrument on the right to a clean environment, as only a binding instrument would oblige states to address the human rights impacts of climate change, loss of biodiversity and environmental degradation;
- Ensuring transparency and meaningful participation of observers, including ENNHRI, for all stages of the negotiations of a binding instrument on the right to a healthy environment;
- Setting up an independent CoE monitoring mechanism on human rights and the environment, supporting Member States on how to address environmental challenges through a human rights approach, engaging with a wide variety of actors at national level, including environmental human rights defenders and NHRIs.

4) Safeguarding Human Rights, Rule of Law and Democracy in the Age of Digitalisation and Artificial Intelligence

In line with the Latvian Presidency's priorities, the Reykjavik declaration recognises:

"[...] the positive impact and opportunities created by new and emerging digital technologies while recognising the need to mitigate risks of negative consequences of their use on human rights, democracy and the rule of law, including new forms of violence against women and vulnerable groups generated and amplified by modern technologies, and, in this context, we commit to ensuring a leading role for the Council of Europe in developing standards in the digital era to safeguard human rights online and offline, including by finalising, as a priority, the Council of Europe's Framework Convention on Artificial Intelligence."

ENNHRI is participating as observer to the ongoing negotiations of CAI and has [advocated](#) to ensure that a human rights based approach is integrated throughout the draft Framework Convention. Moreover, ENNHRI has underlined the importance of strong and independent oversight of this, including through NHRIs' work. In the context of the ongoing negotiations, ENNHRI regrets that the voice of stakeholders (including NHRIs and CSOs) is being limited, and is alarmed that the instrument's scope to protect human rights, democracy and the rule of law is severely narrowed down and even questioned.

In light of these worrying developments, ENNHRI urgently calls for:

- Ensuring a human right based approach throughout the Draft Framework Convention, guaranteeing that human rights, democracy and rule of law will be promoted and protected through the Convention -in line with CoE standards and obligations including those of the ECHR-;
- Ensuring transparency and meaningful consultation with observers (ENNHRI and CSOs) throughout all stages of the negotiation process until the finalisation of the Framework Convention, including drafting groups.

5) Ensuring a safe and enabling environment for human rights defenders

ENNHRI welcomes the commitment of the Reykjavik Declaration, and in particular the “Reykjavik Principles for Democracy” to ensure a safe and enabling environment for civil society and human rights defenders as follows:

“Reaffirm that civil society is a prerequisite for a functioning democracy and commit to supporting and maintaining a safe and enabling environment in which civil society, as well as human rights defenders, can operate free from hindrance, insecurity and violence” (Appendix III of the Reykjavik Declaration, p.16)

[CM Recommendation 2018/11](#) sets out important requirements [on the need to strengthen the protection and promotion of civil society in Europe](#), including the role of NHRI in this. NHRIs are HRDs themselves, and promote and protect civic space and HRDs, as is further developed also in [ENNHRI’s dedicated resource](#).

In line with ENNHRI’s submission to the Reykjavik Summit ([here](#)), ENNHRI subscribes to the suggested actions from Amnesty International in this respect, including:

- Organize a thematic debate on implementation of judgments concerning human rights defenders and address the root causes of the violations found by the Court.
- The development of Action Plans on the implementation of judgements for Member States and their reviews addressing the enabling environment for human rights defenders.
- The Adoption of a strong CoE Recommendation addressing SLAPPs.
- Bolstering the CoE mechanisms to protect HRDs, including the Secretary-General Private Office Procedure on reprisals and annual exchange on its actions.